

## Report: Some retailers failing to ensure inspections of gas appliances

By Victor Zapana, Published: October 9

At least three major retailers in [Montgomery County](#) have not ensured that legally required follow-up inspections are performed on gas appliances the stores have sold, according to a [report](#) by county officials.

In failing to ensure that their subcontractors scheduled the inspections, the appliance retailers allowed installers to create potential safety hazards in homes across the county, the officials said.

Montgomery's consumer protection director, Eric Friedman, said that to varying degrees, the retailers identified in the report — Home Depot, Lowe's and Sears — are cooperating with authorities to notify customers. But Friedman said that the retailers bear "some responsibility" for their subcontractors' sidestepping of county safety requirements.

In Montgomery, gas appliances, such as water heaters, must be installed by a licensed plumber. Such appliances also must be checked by an inspector from the Washington Suburban Sanitary Commission, which oversees permitting of gas appliances in Montgomery and Prince George's counties.

But two-thirds of all gas water heaters bought last year by Montgomery residents in county outlets of Home Depot, Lowe's and Sears were not inspected, according to data released by the WSSC and Montgomery's Office of Consumer Protection.

### 25% of installations faulty

Based on past inspection findings, officials estimate that about 25 percent of the water heaters were improperly installed, posing a heightened risk of carbon monoxide poisoning and fire in the customers' homes.

The three retailers said they had helped to notify many of the customers and would work with government officials to create a better inspection process.

Inspectors across the Washington region said that the retailers had dropped the ball on a potentially dangerous issue.

"The retailer that's selling the product to the customer needs to make sure they have contractors who are going to follow the [permitting process]. It really does fall back on them," said Jason Green, permitting and inspections chief in Carroll County. "Most homeowners don't realize what's required."

Spokesmen from Home Depot and Lowe's said that the conflicting schedules of inspectors and customers often cause inspections to fall through. The codes mandate that an inspection be conducted within five days of installation.

Inspectors said that although major accidents are rare, the rules requiring a licensed installer and a follow-up inspection are intended to reduce the risks of accidents and death. In May, [North Bethesda](#) was rocked by the explosion of a gas dryer that had been installed by a resident who wasn't licensed to do such work.

The extent of the problem elsewhere in the region is unclear. Installations in Prince George's are governed by the same safety requirements. Prince George's authorities have not analyzed data there, but WSSC

officials said they think that a review would find a similarly widespread lack of inspections.

Montgomery officials analyzed sales records for about 1,250 gas water heaters and found that about 850 had not been inspected. Since local authorities, subcontractors and retailers began to notify affected customers this year, 30 to 40 percent have had inspections or have had inspections scheduled, according to the WSSC.

One possible cause of Montgomery's inspection problem, inspectors said, is that the WSSC sells [blank permits](#) in bulk. After a plumber fills one out, he is obligated to notify the WSSC and schedule an inspection.

### **Cost-cutting blamed**

But to cut costs, some plumbers do not follow the procedures unless a customer demands the permit, inspectors say. The plumbers sometimes make multiple copies of the same permit and never notify the WSSC, inspectors say. (In Montgomery, each blank permit costs \$55.)

Howard County's permitting director, Bob Frances, said that because of the potential for abuse in selling permits in bulk, his agency individually approves permits. The county also has a follow-up system that checks on installations after six months. The county can issue fines to plumbers who do not follow up.

Few other jurisdictions in the Washington region have such an organized system to double-check inspections. For example, the District and Fauquier County do not follow up. Carroll follows up if an inspection isn't done within six months, but it does not issue fines.

The WSSC, which says it is working to improve the permitting system, is also considering whether to issue citations to subcontractors, spokesman I.J. Hudson said.

Friedman said his agency is considering fining retailers, which charge permit fees but do not ensure that the inspections are carried out. In essence, Friedman said, the stores have been overcharging customers.

"We think the retailers have some responsibility, certainly," Friedman said. "The store is taking the consumers' money directly, not the plumber."

### **Citations considered**

Hudson and Friedman said that their agencies will consider the stores' cooperation in deciding whether to issue citations.

Spokesmen for Home Depot and Lowe's said that the permit fee is not an overcharge because the stores are simply collecting money to repay the subcontractors for the purchase of the blank permits. They said that the stores keep no funds from the fee and should not be subject to citations. A Sears spokesman said the company is confident that its installation process complies with standards.

Frank Sodetz, 70, a retired Army colonel and scientist living in Silver Spring, paid Sears about \$1,700 last month for a gas water heater and other services he had bought over the phone.

A subcontractor came to install the heater, but Sodetz later learned from another plumber that the installation broke the WSSC code in five ways. The heater still hasn't been fixed, and he said that neither Sears nor the subcontractor had provided any documentation of the sale or the installation.

"I don't have any paperwork of any kind from Sears, even to show that I ever dealt with them," Sodetz said. "I got a Kenmore water heater and a charge on my credit card of about \$1,700. That's it."

A Sears spokesman, Larry Costello, acknowledged that a permit was not issued at the time of installation. He said that another subcontractor would fix the installation Tuesday. He said that Sears no longer works with the original subcontractor and was checking its previous installations for problems.